

E-FILED on 2/28/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MELISSA PRINCE,

Plaintiff,

v.

ACCESS RECOVERY GROUP, INC.,

Defendant.

No. C-06-06273 RMW

ORDER ENTERING DEFAULT AGAINST
DEFENDANT**[Re Docket No. 13]**


On October 4, 2006 plaintiff Melissa Prince ("Prince") sued defendant Access Recovery Group, Inc. ("Access") for violation of the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* and the California Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.* Access answered the complaint on November 30, 2006. On January 26, 2007 the matter came on regularly for a case management conference. Access did not appear and did not file a case management statement.

The court issued an order to show cause requiring Access to appear through counsel on February 23, 2007 to show cause why default and default judgment should not be entered for failure to appear at the case management conference and for failure to file a case management statement. The court further indicated that should defendant fail to show good cause for its failure, default and

1 default judgment would be entered against defendant upon application by plaintiff.¹ Defendant
2 made no appearance on February 23, 2007. At the hearing plaintiff indicated it sought entry of
3 default against defendant.

4 Accordingly, the court hereby enters default against defendant. In addition, defendant's
5 answer to plaintiff's complaint is hereby stricken.

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7 DATED: 2/27/07


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

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¹ No application for default judgment has been filed by plaintiff as of the date of this order.

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

3 William E. Kennedy wkennedy@pacbell.net

4 **Counsel for Defendant:**

5 Harry Tom Miller tomlaw@earthlink.net

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9 Counsel are responsible for distributing copies of this document to co-counsel that have not
10 registered for e-filing under the court's CM/ECF program.

11 **Dated:** 2/28/07

12 SPT
13 **Chambers of Judge Whyte**